

U.S. Application No.: 09/767,922

Atty. Docket No. 09792909.4750

Attorney Docket No.: 09792909.4750  
Customer No.: 26263

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:

Kazuhiro Hoshino

Group Art Unit: 2878

Application No.: 09/767,922

Examiner: Christopher W. Glass

Confirmation No.: 1439

Filed: January 23, 2001

For: IMAGE PICKUP DEVICE, CAMERA MODULE AND CAMERA SYSTEM

**DECLARATION OF PRIOR INVENTION IN A WTO MEMBER COUNTRY TO OVERCOME**

**CITED PATENT, UNDER 37 C.F.R. § 1.131**

I, Kazuhiro Hoshino, a citizen of Japan, declare:

THAT I am the inventor of the above-identified U.S. patent application;

THAT I can establish completion of the above-identified invention in Japan, a WTO country as of January 1, 1996, at a date prior to November 15, 2000 which is the effective date (the U.S. filing date) of the applied prior art reference to Glenn et al., U.S. Patent No. 6,342,406, which was cited by the Examiner in the Office Action dated March 28, 2002, Paper No. 5, in a rejection of Claims 1-5 under 35 U.S.C. §103 in combination with other prior art references;

THAT I am relying on Japanese Patent Application No. P2000-012401, filed January 21, 2000, a copy of which is attached along with an English translation of the document, which discloses the invention which I am claiming in the above-identified U.S. patent application, and from which I would have claimed priority if not for a docketing error which resulted in filing of the above-identified U.S. patent application 2 days past the one-year date of the Japanese filing, with due diligence being shown in filing the above-identified U.S. patent application upon realization of said docketing error;

THAT it can be seen from Japanese Patent Application No. P2000-012401 that the invention is the same as in the above-identified application and was made by at least November 15, 2000, which is the effective date of Glenn et al., U.S. Patent No. 6,342,406, and that the filing of Japanese Patent Application No. P2000-012401 on January 21, 2000 is a constructive reduction to practice of the invention disclosed in the above-identified U.S. patent application; and



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THAT this Declaration is being submitted prior to a final rejection in the above-identified U.S. patent application.

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Kazuhiro Hoshino

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Sep-05, 2002

Date